

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF JUNE 10, 2009
9:30 a.m.

Members Present: Audrey Wolfe, Chairperson; Catherine Forrence, Vice-Chair; Robert White, Secretary; Kai Hagen, Commissioner Liaison; Joe Brown, Richard Floyd, and John McClurkin.

Staff Present: Gary Hessong, Director, DPDR; Stephen O'Philips, Principal Planner; Tolson DeSa, Planner; Kathy Mitchell, Assistant County Attorney; Eric Soter, Director, Planning and Zoning; Ron Burns, Traffic Engineer; Betsy Smith, Director of DPDR Engineering; Jim Gugel, Chief Planner; and Lori Barlet-Chapman, Legal Associate III.

1. **MINUTES:**

Ms. Wolfe pointed out a revision to be made to the Mount Carmel Methodist Church decision in regard to the vote from the May 13, 2009 FcPc meeting. There was a discrepancy as to who second the motion and who was absent. The minutes were tabled to review the tape from the May 13th, 2009 FcPc meeting.

2. **PLANNING COMMISSION COMMENTS:**

Mr. Floyd welcomed the birth of his grandson – Joshua Scott Floyd.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

Mr. Soter spoke of two upcoming open house/ public hearing agenda items.

- a. Countywide Comprehensive Plan Update
Jim Gugel

Mr. Gugel advised FcPc Members of the workshop schedule for the next two months.

4. **SITE PLAN**

- a. Stanford Industrial Park, Lot 11 – (Continued from April 8, 2009 FcPc Meeting.) Requesting re-approval of a 29,888 square foot contractor's office and storage building on 26.55 acres. (This site plan was previously approved in 2006 and expired in 2008.) Located at the terminus of Cornell Place, off of Winchester Boulevard in the Stanford Industrial Park. Zoned: Limited Industrial (LI); Contractor's Office and Storage Use, Adamstown Planning Region. Tax Map 94 / Parcel 96 & 89, File # SP 00-12, AP# 9074, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of two (2) years from the date of Planning Commission approval. As previously stated, APF was previously tested and approved for up to 500,000 square feet of finished floor area for Section III. Therefore, this site plan proposal is vested and passes APF.

Staff has no objection to conditional approval of the site plan.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP # 00-12 (AP# 9074, APFO 9076 & FRO 9075) for the proposed Stanford Industrial Park Lot 11, the motion for approval should include the following item:

1. Site plan approval for a period of two years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Approval of the requested loading space modification to allow nine (9) 12' x 24' loading spaces.

Applicant Presentation:

Mr. John Delaplaine, the applicant, and Mr. Steve Loss of Loss-Stair Engineering, representing the applicant, presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for conditional approval in accordance with Staff's Findings, Recommendations and the following Conditions—1. Applicant shall continue to address all agency comments through the completion of this project. 2. The Applicant shall reduce the proposed lighting when the office is not in operation through the use of motion sensors or timer

devices. 3. The Applicant may remove up to twenty-three parking spaces to be shown as Phase II on the site plan. The parking area shall be graded and incorporated into the storm water management calculations, although the area will be seeded with grass until such time when the Applicant deems the additional parking is necessary. 2nd Brown.

Yea 6 Nay 1 (Floyd Opposed)

- b. Hebron Christian Church - Requesting approval to build 15,196 sq. ft. Church and associated parking lot. Situated on 15.3 acres on the south side of MD 80, ½ mile west of MD 75 in the Urbana Planning Region. Zoned: Agriculture (AG), Tax Map 97 / Parcel 249, File # SP 08-31, AP #'s, Site 8862, APFO 8863, FRO 9295, Stephen O'Philips

Staff Findings/Recommendations:

Findings:

The Applicant proposes to build a 15,196 sq. ft. church with associated parking. The Applicant is requesting approvals for the following applications:

- ☐ Site Plan (AP # 8862)
- ☐ APFO (AP # 8863)
- ☐ FRO (AP # 9295)
- ☐ Loading Space Modification (AP # 8862)

The Staff finds that:

- 1) Site Plan approval can only be given for a two-year period from the date of FcPc approval.
- 2) Signature of the Site plan is dependent upon recordation of Access Easement from the remainder, and upon the completion of the forest plans and associated legal documents.
- 3) The APFO approval can be granted for as long as the site plan remains valid, but for no more than three (3) years, based on the Applicant's DOL that proffers pro rata contribution to one escrow account.
- 4) Additional, minor drafting additions and corrections (building height, access easement and HC notes) are needed to bring this application in full compliance with the various Code requirements.
- 5) Based upon the discussion in the report, the Staff finds that the site plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval

added, the Staff offers no objection to approval.

Recommendation:

Should the FcPc choose to approve this site- plan application (AP # 6578) for the building of a 15,196 sq. ft. church and associated parking fields, the associated requests should also be part of the motion:

- ❑ APFO (AP # 8863)
- ❑ FRO (AP # 9295)
- ❑ Loading Space Modification (AP # 8862)

Then Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Record the Access Easement and complete the Final Forest Conservation Plan prior to Site Plan signature.
- 2) Comply with Agency comments as this project moves through the development process, addressing minor drafting corrections noted by Agencies, including, but not limited to:
 - a) Health Department comments;
 - b) Building Height and setback corrections; and
 - c) Handicapped Accessibility notes and details.

Applicant Presentation:

Mr. Ron Thompson, of Van Mar & Associates, and Mr. Roger DeAndre of Hebron Christian Church, presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for conditional approval in accordance with Staff's Findings, Recommendations, and Conditions, with two changes. First, that the in the cases that the security lighting only used, it will be activated by motion sensor only, in cases where are no night-time events or other activities going on, and two, that the full driveway will be asphalt paved.
2nd Forrence.

The maker of the motion and the seconder withdrew this motion

Decision: Mr. White made a motion for conditional approval in accordance with Staff's Findings, Recommendations, and Conditions, with the acceptance of the two proffers. Proffer #1: Applicant shall provide tar and chip surface driveway for the entrance road. Proffer #2: Applicant shall provide for the use of motion sensor lighting during non use hours for security lighting.
2nd Brown

Yea 5 Nay 2 (Forrence & Floyd Opposed)

5. PRELIMINARY PLAT

- a. Horan Property – Continued from the December 2008 & March 2009 FcPc meetings: Requesting approval for new section of public road to serve minor subdivision for five lots on 45 acres. Located at the terminus of Winmoor Drive in the Knolls of Windsor Subdivision. Zoned: Residential (R-1), Urbana Planning Region, Tax Map 106 / Parcel 6 File # S-1154, AP #'s, Preliminary Plan 8522, FRO 8365, Stephen O'Philips

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

The Applicant proposes an extension of a public street system to serve five new lots. The Applicant is requesting approvals for the following:

- ☐ Preliminary Plan (AP # 8522)
- ☐ FRO (AP# 8689)

The Staff finds that:

- 1) This application is not subject to the APFO requirements because it is a minor residential subdivision.
- 2) The concept plan for the ultimate build-out shows a panhandle lot that requires a modification.
- 3) The development pattern is not contiguous and causes an awkwardly-arranged remainder.
- 4) The proposed public road system is not efficiently designed for a temporary condition of only five lots.

Recommendation:

Staff recommends denial of this application. The Applicant may submit a new application with a revised design that addresses the following:

- 1) Shift Lot 5 to Future Lot 209.
- 2) Truncate the Phase I cul-de-sac to Station 22 + 75.
- 3) Provide temporary cul-de-sac at Sta. 22 + 75.
- 4) Provide temporary panhandle driveways to Lots 3 and 4 over the future right-of-way for the ultimate condition of the cul-de-sac, with a revertible clause.
- 5) Designate the balance of the cul-de-sac as “Reserved for Future Dedication” on the Final Plat.
- 6) Rough grade the future cul-de-sac to Future Lots 201, 202 and 203.
- 7) Comply with Agency comments.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, and Mr. Fran Zeller, Harris Smariga, & Associates representing the applicant, presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for conditional approval in accordance with Staff’s Findings, Recommendations, and Conditions. 1. Shifting Lot 5 to future lot 209 subject to successful perk. 2. Truncate the Phase I cul-de-sac to station 22 + 75. 3. Provide temporary cul-de-sac or a satisfactory alternative to 22 + 75 that would be acceptable to DPW and all Staff agencies. 4. Provide temporary panhandle driveways to Lots 3 & 4 over the future right-of-way for the ultimate extension of the said Windsor Drive and that a note be added to the plat that they would be converted back to a roadway at such time in the future as necessary. Exclude number 5. 6. Rough grade the driveway that would serve future lots 201, 202, and 203. 7. Comply with Agency comments. 2nd Mr. Hagen.

**Yea 3 Nay 4 (Forrence, White, Floyd,
& McClurkin Opposed)**

Decisions: Mr. White made a motion for Denial.
2nd Forrence.

**Yea 4 Nay 3 (Wolfe, Brown, & Hagen
Opposed)**

6. **PUBLIC HEARING – TEXT AMENDMENT**

- a. Adequate Public Facilities Ordinance (APFO) – Roads and Guidelines: Requesting recommendation to the BOCC concerning draft text amendments to the road adequacy provisions of the APFO (Chapter 1-20 of the Frederick County Code) and associated “Guidelines for the Preparation of Traffic Impact Analyses for Development Applications”. Ron Burns

All parties and Staff wishing to give testimony in this matter were sworn in.

Public Comment:

Mr. Rand Weinberg, Esquire spoke and offered some suggestions.

Mr. Joe Calligero with the Traffic Group spoke.

Rebuttal:

N/A

Decision: Mr. White made a motion for a recommendation to the BOCC to approve this Draft APFO Roads Text Amendment to the BOCC for approval. 2nd Ms. Forrence.

Yea 6 Nay 0 (Hagen Abstained)

Decision: Mr. White made a second motion for a recommendation for suggested changes. Page 8 of Draft APFO Ordinance letter (C), first line change “shall” to “may”, and on page 17 (2) applicant has to show a level of service “D” or better or mitigation subject to the guidelines. 2nd Ms. Forrence.

Yea 6 Nay 0 (Hagen Abstained)

Meeting adjourned at 2:35 p.m.

Respectfully Submitted,

Audrey Wolfe, Chairperson